

1 Elyas Perez and Marissa Ramos (GUARD/P) Case No. 04CEPR00404

ProPer Rangel, Socorro (maternal grandmother/Guardian)

ProPer Ramos, Aracely (mother/Petitioner)

Petition for Termination of Guardianship

Elyas, 15	ARACELY RAMOS, mother, is Petitioner.		NEEDS/PROBLEMS/COMMENTS: 1. Need proof of service by mail of <i>Notice of Hearing</i> with a copy of the <i>Petition for Termination of Guardianship</i> <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for: a. Father(s) b. Paternal grandparents c. Maternal grandfather Note: <i>Proof of service filed 03/16/15 indicates that Jose B. Perez was served by mail on 03/02/15, however, it is unclear what his relationship is to the minors.</i>
Marissa, 11	SOCORRO RANGEL, maternal grandmother, was appointed Guardian of the minors on 01/10/05. – <i>Guardian personally served on 03/15/15.</i>		
Cont. from		Father: NOT LISTED	
<input type="checkbox"/> Aff.Sub.Wit.	Paternal grandparents: NOT LISTED		
<input checked="" type="checkbox"/> Verified	Maternal grandfather: NOT LISTED		
<input type="checkbox"/> Inventory	Petitioner states that she is now living with the guardian and the children and will now be the person responsible for them.		
<input type="checkbox"/> PTC	Court Investigator Jo Ann Morris filed a report on 04/13/15.		
<input type="checkbox"/> Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg			
<input checked="" type="checkbox"/> Aff.Mail	w/		
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			
<input type="checkbox"/> Conf. Screen			
<input type="checkbox"/> Letters			
<input type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input checked="" type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
Reviewed by: JF			
Reviewed on: 04/21/15			
Updates:			
Recommendation:			
File 1 – Perez & Ramos			

Attorney Teixeira, J. Stanley (for Conservator Good Shepard Fund)

Petition for Termination of Conservatorship

DOD: 9/21/2013		<p>PAMELA D. BENITEZ, representative of the GOOD SHEPARD FUND as Conservator of the Person and Estate, is Petitioner.</p> <p>Petitioner states:</p> <ul style="list-style-type: none"> The conservatorship was originally established by order of Tulare County Superior Court on 6/13/1983; Sometime thereafter the matter was transferred to Fresno County and this Court granted an ex parte order for issuance of amended Letters of Conservatorship on 8/26/2005, with amended letters issued that same date; Throughout the conservatorship, the Good Shepherd Fund has been the conservator; The Conservatee died on 9/21/2013, thus the conservatorship is no longer require. <p>Petitioner prays for termination of the conservatorship of the person and estate of James Alan Kulikov.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Conservator has not been required to present accountings based upon the conservatorship estate satisfying the requirements of Probate Code § 2628, pursuant to <i>Order for Issuance of Amended Letters of Conservatorship</i> filed 2/6/2012 and the <i>Amended Letters</i> issued on 5/7/2012.</p>	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
✓	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W/
<input type="checkbox"/>	Aff.Pub.			
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<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
✓	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
				<p>Reviewed by: LEG</p> <p>Reviewed on: 4/21/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 2 – Kulikov</p>

Atty Schorling, Douglas D. (for Co-Administrators and Petitioners Robert Shaw, Gayden L. Schorling, and Douglas D. Schorling)

Atty Woodward, Laura (for Kemp & Associates – Assignee)

Amended First and Final Account and Report of Special Co-Administrators and Co-Administrators, and Petition for its Settlement, for Approval of Right to Compensation for Services as Attorney/Co-Administrator, Allowance of Compensation to Co-Administrators and Attorney for Ordinary Services, for Allowance of Compensation to Attorney for Extraordinary Services, and for Final Distribution

DOD: 12-21-12		ROBERT SHAW, GAYDEN L. SCHORLING, and DOUGLAS D. SCHORLING , Co-Administrators with Limited IAEA without bond, are Petitioners. Account period: 12-21-12 through 3-18-15 Accounting: \$668,595.78 Beginning POH: \$653,863.51 Ending POH: \$519,176.61 (\$516,126.61 cash plus a vehicle, misc. personal property, and two firearms) Co-Administrators Robert Shaw and Gayden L. Schorling (Statutory): \$16,131.92 Attorney/Co-Administrator Douglas D. Schorling (Statutory): \$16,131.92 Petitioners request that the Court authorize Co-Administrators Robert Shaw and Gayden L. Schorling to equally share the statutory personal representative's compensation and authorize Attorney/Co-Administrator Douglas D. Schorling to receive the entire amount of statutory attorney compensation as attorney for the Co-Administrators. Attorney (Extraordinary): \$13,970.00 Declaration filed 3-18-15 indicates 91.9 hours at \$150/hour for legal services including Petition to Determine Entitlement and Petition for Payment of Family Allowance, Unlawful Detainer, and Small Claims, and Court confirmed sale of real property totaling \$13,970.00. Closing: \$10,000.00 \$3,000.00 (for anticipated expenses including estate income taxes and Decedent's personal income taxes) Petitioners request to distribute the estate pursuant to intestate succession as follows: The estate, after donating the remaining vehicle and misc. personal property and sale of the firearms, is to be divided into 17 shares representing the 17 first cousins of the decedent, and distributed to the 27 heirs as set forth in the petition. Petitioners state each of the paternal heirs has executed an Assignment in favor of Kemp & Associates, Inc., which is authorized to receive and process distributions on behalf of the paternal heirs. Accordingly, Petitioners will send Attorney Laura Woodward a check for the total amount of distribution to the paternal heirs to further process those distributions in accordance with the terms of its assignments.	NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> Examiner was informed via email that Attorney Laura Woodward sent Objections to the Court for filing via Overnight mail on Friday 3-27-15, but as of 4-22-15, the document has not been received by the Court or filed with the Probate Clerk's Office. The review for this continued hearing (4-23-15) contains a summary of the unsigned document emailed to Examiner by Attorney Woodward on Friday 3-27-15. See unsigned copy on left side of file. On 4-1-15, Douglas D. Schorling filed a Declaration in response to the Objections. SEE PAGE 2
Cont from 040215			
Aff.Sub.Wit.			
✓ Verified			
✓ Inventory			
✓ PTC			
✓ Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
✓ Letters	12/26/12		
Duties/Supp			
✓ Objections			
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✓ 9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
✓ FTB Notice			

Page 2

NEEDS/PROBLEMS/COMMENTS:**1. Cal. Rules of Court 7.706(a) states:****(a) Personal representative's compensation only**

Notwithstanding the provisions of the decedent's will, a personal representative who is an attorney may receive the personal representative's compensation but may not receive compensation for legal services as the attorney for the personal representative unless the court approves the right to compensation for legal services in advance and finds the arrangement is to the advantage, benefit, and best interest of the decedent's estate.

Petitioners request that the Co-Administrators' statutory compensation be split between two of the Co-Administrators, Robert Shaw and Gayden D. Schorling, and that Attorney Douglas D. Schorling, who is the third Co-Administrator, but is also the attorney for the Co-Administrators, receive the entire amount of statutory compensation as attorney.

Examiner Notes published in connection with the prior petition filed 10-7-14 noted that this arrangement may not be allowable under Cal. Rules of Court 7.706(a), as it was not approved in advance. This amended petition now includes a specific request to approve this compensation arrangement. The petition at #32 describes the benefit to the estate.

Examiner notes at this time that Mr. Schorling's statutory compensation may be limited to a one-third share of the Co-Administrators' statutory compensation, instead of the two other Co-Administrators splitting it half each.

Note: Because the closing reserve has been lowered from \$10,000.00 to \$3,000.00 pursuant to the Response filed 4/1/15, the Court will make a determination whether an informal accounting of the closing reserve is warranted, the court will set a status hearing as follows:

- **Thursday, August 20, 2015 at 9:00 am in Dept. 303 for Status Re: Informal Accounting of the \$3,000.00 Closing Reserve.**

Pursuant to Local Rule 7.5, if the document noted above is filed 10 days prior to the date listed, the hearing will be taken off calendar and no appearance will be required. The filing of the Informal Accounting of Closing Reserve will not generate a new hearing date.

Objections of Kemp & Associates, Inc., on behalf of itself and the 22 Paternal Moiety hers (not yet filed) objects to:

- 1. Attorney Fees;**
- 2. Administrators' Fees;**
- 3. Disposition of Estate Assets (vehicles, personal property, guns)**
- 4. Closing reserve**

Attorney Schorling filed Response on 4-1-15.

SEE PAGE 3

Page 3

Amended Objections state Attorney Woodward contacted Douglas Schorling on 2-12-13 and advised him that her client had located all of the paternal moiety heirs, which comprised 12 of an apparent 17 cousin shares in the estate. At that time, the Co-Administrators had limited Letters pending determination of claims by other persons. Ms. Woodward insisted that bond in the amount of \$300,000 be posted (estimated value of the estate) and Mr. Schorling agreed to obtain bond in that amount. Bond was never obtained. On 3-4-13, Ms. Woodward sent Mr. Schorling a complete chart of the paternal moiety, which he acknowledged. At no time has he or any other heir/administrator raised any doubt about the right to inherit. Ms. Woodward subsequently mailed Mr. Schorling copies of the Assignments, which contain the addresses of the 22 paternal moiety heirs. Subsequently, Mr. Schorling sent drafts of opposition to the Battaglia claim for entitlement, and responded to Ms. Woodward's requests for status updates.

On 8-13-14, a status report was filed that made no mention of any heirship dispute, which report was not served on any of the paternal moiety heirs. On 10-7-14, the Co-Administrators filed a Report and Petition for Final Distribution, but did not notify Ms. Woodward or serve it on her until allegedly 10-28-14; however, it did not reach her until the day after the hearing on 11-12-14, which the Court on its own motion continued to 11-19-14. That petition failed to identify the paternal moiety heirs at all and claims untruthfully that Ms. Woodward never provided any information regarding the heirs.

Despite initially agreeing to continue the hearing on their motion or take it off calendar, the Co-Administrators/maternal heirs notified Ms. Woodward the day before the continued hearing that they would not do so, and also reneged on their agreement to file an amended petition to include the paternal moiety heirs. On 11-17-14, Ms. Woodward provided Mr. Schorling with additional information. He never advised her of any problems with their claims. The docket reflects that the Co-Administrators have never given notice of any proceeding to the paternal heirs prior to thi Amended Petition filed 3-18-15.

The Co-Administrators were ordered on 1-7-15 to place all estate funds in blocked accounts and provide evidence of same, and to file an account. The accounts were blocked and an accounting was filed late. This Amended Petition was filed 3-18-15 without notice to Ms. Woodward. Ms. Woodward requested copies via email on 3-19-15, which were provided at the end of the day on 3-20-15. She wrote to Mr. Schorling on 3-25-15 setting out objections and requesting information. No response to this letter has been made to date. Despite request, Mr. Schorling has not provided Ms. Woodward with a copy of the proposed order.

Objections – Attorney Fees: Last year Mr. Schorling was told by the Probate Examiner that pursuant to §10804 he cannot collect attorney fees in this matter because he is a Co-Administrator and advance approval was not obtained from the Court. The petition and proposed order should be amended accordingly.

Objections – Administrator Fees: Kemp & Associates was forced to appear because the Co-Administrators breached their fiduciary obligations to the 22 paternal moiety heirs. Kemp's services to the estate were valuable and it is entitled to compensation for its costs and attorneys fees including the court filing fee, delivery charges, courtcall charges for various hearings. Kemp's attorney has expended more than 10 hours at her \$420/hr regular rate, which will increase with appearances.

Examiner's Note: The Court may require itemization. Please also see Local Rule 7.17 re reimbursable expenses.

SEE PAGE 4

Objections – Estate Personal Assets:

- a. Monte Carlo valued at \$1200. The Co-Administrators originally proposed to give this vehicle to a Co-Administrator. Now they continued they plan to donate it. The estate has expended fees to license and insure this vehicle and recover it from impound in the amount of \$1,484.95, more than its inventory value, which does not make sense if it is not in a condition to be driven. This asset should be sold and appropriate inventory and accounting adjustments made.
- b. Stolen Trans Am valued at \$3800 and stolen household items. Kemp has inquired how these items were valued and why they were not covered by insurance, and if not, why is this not negligence by the Co-Administrators. If the latter, these values should be deducted from their fee.
- c. Personal possessions in storage valued at \$1500. These items are not listed, despite request, and no credible reason for not selling them, potentially to the paternal heirs, is given. The accounting discloses that more than \$2,133.00 has been paid by the estate for their storage.
- d. Guns. No reason is given why these have not already been sold. Their value should in any event be counted toward the reserve.
- e. Reserve. Since the Co-Administrators state they know of no potential taxes or liabilities of the estate, a reserve of \$2,000.00 is more appropriate than the requested \$10,000.00.

For the foregoing reasons, Kemp & Associates, Inc., requests that the Court require the above adjustments to the Order for Final Distribution.

Response to Objections filed 4-1-15 by Douglas D. Schorling states it is unclear to Declarant whether this Amended Objection was ever filed with the Court, as there is no record of it in the docket or proof of service on interested parties. The bulk of the Amended Objection is simply a rehash of the many factual inaccuracies made to the Court by Ms. Woodward. The Declarant does not wish to engage in a similar rehash, so only a few salient facts will be set forth here. While Ms. Woodward did provide a “family tree” early on, she did not provide substantiating documentation for almost two years. In addition, she failed to produce the Assignments for a full two years. Consequently, in preparing the initial Petition for Final Distribution, Mr. Schorling had nothing but a bald claim with no substantiation. Although he has been practicing law for almost 35 years, he has never before handled a probate with an heir hunter. He sought advice from Bob Sullivan, who has been practicing in this area for over 45 years, and the only reason he could think of why no assignments had been filed with the Court was that they must not exist. Mr. Schorling approached the Petition for Final Distribution in good faith based on the lack of any information being provided to substantiate the claims of the paternal heirs. Once the Assignments were filed and he was finally provided with supporting documentation for the claims, he was able to determine the validity of the claims.

To address the objections: The amended petition seeks approval for the attorney fees. If the Court denies this aspect, then the order will, of course, be modified accordingly. Ms. Woodward claims she is entitled to compensation. Ms. Woodward claims she is entitled to compensation for her services because she was “forced” to make an appearance in a probate proceeding in which her client is the biggest benefactor. As previously discussed, the closing path of this estate is directly attributable to her willfully withholding vital information. Ms. Woodward is now asking this court, in essence, to make the Petitioners pay for her doing her job and fulfilling her client’s contractual obligations to the paternal heirs.

SEE PAGE 5

Response (Continued): Mr. Schorling states, as discussed in the Amended Petition, that the Battaglias were in hostile possession of the decedent's residence after his death until forcibly evicted. Their criminal histories and propensity for violence is well-documented in this court file in connection with their claim of heirship. Once the 1995 Monte Carlo was recovered from police impound, it required smog inspection before it could be registered with the DMV, and it was then learned that it would not pass smog. This was impossible to know until that time. An auto dismantler has provided an estimate of \$195 for the vehicle as is. Unless the Court makes a different order, the vehicle will be sold and disposed of immediately after the hearing.

Also as discussed, the 1973 Pontiac Trans Am was stolen by Sharlene Battaglia and reportedly "sold" by her. The insurance on the vehicles did not cover theft. By the time Petitioners were able to gather sufficient information on the vehicles to allow other insurance to be obtained, theft insurance was not available because they did not have possession of the Pontiac. It likely would not have made any difference though because it is impossible to determine the exact date of loss.

The household items were only appraised at \$500 and were sold, stolen, and/or destroyed by the Battaglias. After the eviction, the inside of the house looked like a war zone. The appraised value was less than the \$1000 deductible on the homeowners insurance.

The contents of the storage unit included various furniture and household items (lamps, dishes, etc.). Unless the Court makes a different order, these items will be sold and disposed of immediately after the hearing.

A Notice of Proposed Action was filed re the firearms and no objection received; therefore, unless the Court makes a different order, the pending sales will be consummated immediately after the hearing.

Re closing expenses: Petitioners are agreeable to a lower reserve and believe \$3,000.00 would be appropriate under the circumstances.

Finally, Mr. Schorling states he has spoke with several of the paternal heirs by phone and none have raised objections nor have they been filed with the court. None had any idea that the decedent even existed, let alone that he was a cousin of theirs. They seem like good people and some expressed a gladness to know they have additional relatives and would like to meet them someday.

Petition for Attorney's Fees and Costs

DOD: 12/19/12		DANIEL T. MCCLOSKEY , attorney for Loretta Ramos, heir, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		PAT HERNANDEZ , sister, was appointed as successor Administrator with bond set at \$400,000.00 on 03/19/14 due to the death of the previous administrator, Manuel Rojas.	<p><u>CONTINUED TO 05/27/15</u></p> <p>Per request of Counsel</p>
Cont. from 032415			
	Aff.Sub.Wit.	Petitioner requests fees in connection with his representation of Loretta Ramos who is decedent's niece and intestate heir. Petitioner states that his client was not initially listed as an heir in the Petition for Probate of Manuel Rojas. His representation resulted in the former administrator recognizing Ms. Ramos as an heir as well as several other heirs that were initially left off the Petition for Probate. Further, his representation led to the Administrator's (both former and successor) being required to secure bond and also locating additional assets of the estate valued at approximately \$10,000.00, which benefitted all heirs of the estate.	1. The Petition does not comply with Local Rule 7.1.1C which states - When a petition or other request for relief is presented to the court, the Probate Code section that allows the requested relief must appear below the title of the pleading. Need authority that allows the relief requested in this petition.
✓	Verified		
	Inventory	Petitioner asks that he be paid from the estate \$2,807.46 in attorney's fees, representing 11.55 hours @ \$250.00/hr., and costs in the amount of \$435.00 for a total request of \$3,042.56.	<p>Reviewed by: JF</p> <p>Reviewed on: 04/21/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 4 – Sanchez</p>
	PTC		
	Not.Cred.	Services are itemized by date and include review of correspondence, meetings with client, and court appearance.	
✓	Notice of Hrg		
✓	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

(1) First and Final Report of Administrator on Waiver of Account and Petition for its Settlement; (2) for Allowance of Statutory and Extraordinary Fees to Attorney for Services; and (3) for Order for Final Distribution Pursuant to Probate Code 3600 et. seq.

DOD: 3/31/10		JOSEPH WILLIAM MARTIN , Administrator, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Accounting is waived.	OFF CALENDAR. Amended Petition filed and set for hearing on 5/28/15.
Cont. from 082514 090814, 102014, 040215		I & A - \$125,873.74 POH - \$127,424.94	
<input type="checkbox"/>	Aff.Sub.Wit.	Administrator - waives	
<input checked="" type="checkbox"/>	Verified	Attorney - \$4,776.22 (statutory)	
<input checked="" type="checkbox"/>	Inventory		
<input checked="" type="checkbox"/>	PTC	Attorney x/o - \$9,100.00 (40.75 hours @ \$100 – 250/hr for services in connection with the civil litigation and creation of the special needs trust)	
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	W/	
<input checked="" type="checkbox"/>	Aff.Mail	Costs - \$1,304.32 (probate Referee, publication, certified copies)	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	Petitioner states he established the JOSEPH W. MARTIN IRREVOCABLE SPECIAL NEEDS TRUST , ("SNT") dated 1/16/14, Donald Fischer, trustee. The SNT currently contains proceeds from the settlement of the civil litigation by order of the Honorable Kristi Culver-Kapetan in the matter entitled <i>Joseph W. Martin v. Mary Quin, et. al</i> , case no. 12CECG03130 filed on 4/2/14.	
<input checked="" type="checkbox"/>	Letters	4/2/13	
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
<input checked="" type="checkbox"/>	9202	Petitioner requests the court take judicial notice of the order.	
<input checked="" type="checkbox"/>	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
<input checked="" type="checkbox"/>	FTB Notice		
			Reviewed by: KT
			Reviewed on: 4/21/15
			Updates:
			Recommendation:
			File 5 - Martin

DOD: 07/04/12	<p>WILLIAM MARTIN (MARTY) SHIBA, son, was appointed Executor with full IAEA and without bond on 03/28/13. Letters Testamentary were issued on 03/29/13.</p> <p>Inventory & Appraisal, final filed 07/15/13 - \$68,775.68</p> <p>Status Report filed 07/28/14 states: The office is currently in the process of preparing the petition and first account current in this matter. There is a Medi-Cal claim filed against the estate as well as a trust for this estate that is also considered in the estate plan. The executor and his attorney are currently in the process of completing negotiations and settlement of a dispute regarding the Medi-Cal claim. It is requested that this status hearing be continued for 45 days to allow time for the executor and his attorney to complete negotiations on the claim and to file the first account and report reflecting said negotiation and settlement.</p> <p>Status Report filed 09/16/14 states: the attorney is currently preparing the petition and first account current in this matter. There is a medi-cal claim filed against the estate as well as a trust for this estate that is also considered in the estate plan. The executor and attorney are currently working with the DHS regarding the claim filed by them in this matter. They are experiencing difficulties getting a timely response from the DHS regarding negotiations. An additional 90 day continuance is requested.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 02/26/15</u> As of 04/21/15, nothing further has been filed.</p> <p>1. Need First Account/Report of Executor and Petition for Final Distribution <u>and/or</u> current written status report.</p>
Cont. from 053014, 063014, 073014, 091714, 011515, 022615		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
<p>Reviewed by: JF</p> <p>Reviewed on: 04/21/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 6 - Shiba</p>		

**Accounting First Report of Personal Representative and Petition for its Settlement;
(2) for Allowance of Attorneys' Fees for Ordinary and Extraordinary Services**

DOD: 10/27/12	KAREN HANSEN , Administrator, is petitioner.		NEEDS/PROBLEMS/COMMENTS:
			Note: If the petition is granted, a status hearing will be set as follows:
Cont. from			<ul style="list-style-type: none"> Wednesday, October 14, 2015 at 9:00 a.m. in Department 303, for the filing of the petition for final distribution.
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified			Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.
<input checked="" type="checkbox"/> Inventory			
<input checked="" type="checkbox"/> PTC			
<input checked="" type="checkbox"/> Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg			
<input checked="" type="checkbox"/> Aff.Mail	W/		
<input type="checkbox"/> Aff.Pub.			
<input checked="" type="checkbox"/> Sp.Ntc.	W/		
<input type="checkbox"/> Pers.Serv.			
<input type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters	7/16/13		
<input type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input checked="" type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input checked="" type="checkbox"/> FTB Notice			

Petitioner states among the assets of the estate is the Decedent's real property located in Coalinga. The Administrator listed the property with a real estate agent approximately a year ago. The property is listed in the multiple listing service, and the real estate agent is also marketing the property in the Southern California area as possible hunting property. There is some concern in the Coalinga area with perceived unavailability of water, which is apparently making the sale of the property more difficult even though the Decedent's property has two wells and has not run out of water in the past.

Petitioner states decedent's real property continues to be listed in the multiple listing services and continues to be marketed in the Los Angeles area. Petitioner requests that she be allowed to continue to market the property.

Petitioner states an inventory and appraisal was filed on 1/8/14 showing the estate valued at \$342,167.33. When the Administrator submitted the original inventory to the probate referee, she believed that the decedent owned 3,820 shares of Pacific Capital Bancorp stock. However, a 1-100 stock split occurred in 2010, so the Decedent actually owned only 38.10 shares. The personal representative anticipates filing a corrected inventory and appraisal showing the value of the estate to be \$168,712.43.

Please see additional page.

Reviewed by: KT

Reviewed on: 4/21/15

Updates:

Recommendation:

File 7 - Hansen

Creditor's Claims filed and approved total \$3,470.54 remain unpaid.

Petitioner reserves her right to request her personal representative's commissions at the close of this estate.

Baker Manock requests that they be paid **\$3,030.68** which is one-half of their statutory fee (calculated on the \$168,712.43 appraised value of the estate) and costs in the amount of **\$167.50** for filing fees, copies and recording fees.

Baker Manock and Jensen further requests that they be allowed fees for extraordinary services in the amount of **\$2,757.00**.

Wherefore, Petitioner prays for an Order that:

1. The administration of this estate be allowed to continue to liquidate the real property and personal effects;
2. The first report of Petitioner as personal representative be settled, allowed, and approved as filed;
3. All the acts and proceedings of the Petitioner as personal representative be confirmed and approved;
4. Petitioner be authorized and directed to pay Baker Manock and Jensen, PC the sum of \$5,955.18 (\$3,030.68 as ½ of the statutory fees, \$167.50 for costs advanced and \$2,757.00 as attorney fees for extraordinary services to the estate).

Atty Joy, Maurice E. (for Administrator Staci Ann Ragan)

Status Hearing Re: Filing of the First Account and/or Petition for Final Distribution

DOD: 7/27/2013		<p>STACI ANN RAGAN, daughter, was appointed Administrator with Full IAEA authority without bond on 11/20/2013.</p> <p>Amended Letters issued on 1/16/2014.</p> <p>Pursuant to Probate Code § 8800(b), <i>Final Inventory and Appraisal</i> was filed 6/2/2014 showing an estate value of \$764,265.07.</p> <p>Pursuant to Probate Code § 12200, first account and/or petition for final distribution was due 1/16/2015.</p> <p>Minute Order dated 11/20/2013 set this status hearing for filing of the first account and/or petition for final distribution.</p> <p>Status Report of Stacie Ann Ragan filed 1/12/2015 for previous status hearing states:</p> <ul style="list-style-type: none"> Declarant has not completed all duties required of her with respect to administration of the estate in that the escrow was opened for the sale of real property owned by the estate; Notice of Proposed Action was served on all persons affected by the sale but the escrow is contingent upon the obtainment of a lot line adjustment, and this has caused a delay in the close of escrow; A deed adjusting the lot line has been signed very recently and it is anticipated that upon the recording of the deed, the escrow will close shortly thereafter; Declarant will then be in a position to file a Petition for Final Distribution of the estate with the Court. 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 1/23/2015. Minute Order states Mr. Yengoyan represents that escrow should close any day now, and then the petition for final distribution can be filed; requests 90 days. If the petition is filed at least two court days prior, then no appearance is necessary on 4/23/2015.</p> <p>1. Need first and final account, or verified status report and proof of service of notice of the status hearing pursuant to Local Rule 7.5(B).</p>
Cont. from			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail	W/		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: LEG	
		Reviewed on: 4/21/15	
		Updates:	
		Recommendation:	
		File 8 - Hamlin	

DOD: 7/1/13	<p>RICHARD ESQUEDA was appointed Administrator with full IAEA authority and without bond on 1/8/14.</p> <p>Letters issued on 1/16/14.</p> <p>I & A filed on 3/14/14 showing the estate valued at \$254,600.00.</p> <p>Corrected I & A filed on 3/18/15 showing the corrected value of the estate at \$235,300.00</p> <p>Minute order dated 1/8/14 set this status hearing for the filing of the first account or petition for final distribution.</p> <p>Former Status Report filed on 2/26/15 states in attempting to dispose of various motor vehicles listed on the inventory and appraisal, it was determined that some of these assets were not assets of the decedent's estate and should not have been reported on the inventory. Declarant is in the process of attempting to determine which vehicles should be deleted in order to file a corrected inventory and appraisal. Therefore the estate is not in a condition to be closed.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>OFF CALENDAR. First and Final Account filed and set for hearing on 5/21/15.</p>
Cont. from 031315		
Aff.Sub.Wit.		
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Video Receipt		
CI Report		
9202		
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Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
<p>Reviewed by: KT</p> <p>Reviewed on: 4/21/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 9 – Esqueda</p>		

Petition for Termination of Guardianship

Age: 1	ERIC RIVERA, alleged father, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	WENDY OKOEGWALE, maternal step-grandmother, was appointed guardian on 03/04/14. – Served by mail on 03/02/15	
Cont. from	Mother: MONISHA OKOEGWALE – Served by mail on 03/02/15	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory	Paternal grandmother: ANGIE RIVERA – Served by mail on 03/02/15	
<input type="checkbox"/> PTC	Paternal grandfather: SANTOS RIVERA – Served by mail on 03/02/15	
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Maternal grandfather: DECEASED	
<input checked="" type="checkbox"/> Aff.Mail w/o		
<input type="checkbox"/> Aff.Pub.	Petitioner states that he is the father of Zahry and wants her in his care. He states that the guardian took his daughter from the mother and will not let him see her. He states that he will take good care of his daughter.	
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters	Court Investigator Jennifer Daniel filed a report on 04/14/13.	
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input checked="" type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: JF
		Reviewed on: 04/21/15
		Updates:
		Recommendation:
		File 10 - Okoegwale

Pro Per Velasquez, Guadalupe (Pro Per Petitioner, mother)

Pro Per Velasquez, Trinidad (Pro Per Petitioner, maternal grandmother)

Petition for Visitation

		GUADALUPE VELASQUEZ , mother, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Continued from 3/12/2015. Minute Order states Maria Perez is sworn to interpret and assists Trinidad Velasquez in the Spanish language. The Court finds it is not necessary to re-serve Trinidad Velasquez, but the remaining defects are to be cured. Note: Petition for Termination of Guardianship filed 10/2/2014 by Petitioner Guadalupe Velasquez was denied on 1/26/2015. 1. Need Notice of Hearing and proof of service by mail of the Notice of Hearing with a copy of the Petition for Visitation, or a Waiver of Notice, or a Declaration of Due Diligence, for: <ul style="list-style-type: none"> • Carlos Florez, father, if Court does not find due diligence. • paternal grandparents; • Manuel Velasquez, maternal grandfather, if Court does not find due diligence. • Luis Enriquez Alvarez, sibling (if age 12 or over.)
		TRINIDAD VELASQUEZ , maternal grandmother, was appointed Guardian on 4/7/2014. Personally served on 4/13/2015.	
Cont. from 120814, 031215		Father: CARLOS FLOREZ ; Declaration of Due Diligence filed 4/14/2015.	
	Aff.Sub.Wit.	Paternal grandfather: Unknown	
✓	Verified	Paternal grandmother: Unknown	
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg	Maternal grandfather: Manuel Velasquez; Declaration of Due Diligence filed 4/14/2015.	
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	W/	
	Conf. Screen		
	Letters		
	Duties/Supp		
✓	Objections	W/ POS	
	Video Receipt		
	CI Report		
	Clearances		
	Order	X	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		Petitioner requests the Court order visitation with the minor Geovanni because she is in compliance with all the Court's requests due to her stable, safe living environment, along with full time employment. Petitioner requests visitation rights from Friday at 3:00 p.m. through Sunday at 6:00 p.m.	
		Objection to Petition filed by TRINIDAD VELASQUEZ, Guardian, on 4/17/2015 states she objects to the petition because she has had her grandson since birth and she believes it would be detrimental to the child to have overnight visits with the natural mother taking him from his only home; also the natural mother has just married a man that has a history of violence and was recently incarcerated for an act of violence against the natural mother.	
		Reviewed by: LEG	
		Reviewed on: 4/21/15	
		Updates:	
		Recommendation:	
		File 11 - Velasquez	

Petition for Termination of Guardianship

		EVONISHA SMITH , mother, is petitioner.	NEEDS/PROBLEMS/COMMENTS: Continued from 3/12/15. As of 4/21/15 the following issues remain. 1. Proof of service on guardian, Adriana Brewer does not state the date and time of the service. – However, Guardian Adriana Brewer was present in court at the last hearing on 3/12/15. 2. Need proof of service of the Notice of Hearing on: a. Derick King (father) b. Renee King (paternal grandmother) c. Triania Smith (maternal grandmother) – personally served on 3/16/15, however the Notice of Hearing served does not include the date, time and department for the hearing.
		ADRIANA BREWER , non-relative, was appointed guardian on 9/11/14.	
		Please see petition for details.	
Cont. from 031215		Court Investigator Report filed on 3/5/15.	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
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<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: KT
			Reviewed on: 4/21/15
			Updates:
			Recommendation:
			File 12 - Smith

13 Anthony Daniel Barraza (GUARD/P)
 Atty Barraza, Cosme Guadalupe (Pro Per – Petitioner – Paternal Grandfather)
 Atty Aguirre, Maria Beatriz (Pro Per – Petitioner – Paternal Grandmother)

Case No. 14CEPR00565

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 1 year		Temporary Granted as to Cosme Barraza & Maria Aguirre, Expires 04/23/2015 <u>Please see petition for details</u>	NEEDS/PROBLEMS/COMMENTS: 1. Declaration filed 04/20/2015 which includes Page #5 of the Guardianship Petition – Child Information Attachment (GC 210(CA)) indicates the child is or may be a member of the Sioux Creek Tribe, therefore, a <i>Notice of Child Custody Proceeding for Indian Child</i> (Form ICWA-030), must be served together with copies of petition and all attachments, including this form, on the child's parent; any Indian custodian; any Indian tribe that may have a connection to the child; the Bureau of Indian Affairs (BIA), and possibly the U.S. Secretary of the Interior, by certified or registered U.S. Mail, return receipt requested. (Please see Probate Code 1460.2, and CA Rules of Court 7.1015) 2. Per item 1 above, Petitioners will need to return the completed copy of the <i>Notice of Child Custody Proceeding for Indian Child</i> to the probate clerk. The probate clerk will then mail the notice to the required agencies as required. 3. After mailing, per item 2 above, need proof of service of notice, including copies of the notices sent and all return receipts and responses received, pursuant to Probate Code 1460.2(d). Note: A blank copy of the Notice of Child Custody Proceeding for Indian Child (Form ICWA-030) is in the file to hand to petitioners at the hearing. Petitioners should complete the form and return it to the probate clerk for mailing.
Cont. from 121114, 012915, 031915			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
✓ Notice of Hrg			
Aff.Mail	n/a		
Aff.Pub.			
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✓ Pers.Serv.	w/		
✓ Conf. Screen			
✓ Letters			
✓ Duties/Supp			
Objections			
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✓ CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			
Reviewed by: LV			
Reviewed on: 04/21/2015			
Updates:			
Recommendation:			
File 13 – Barraza			

DOD: 1/15/14		DEBRA ANN WINTERS , named alternate executor without bond, is petitioner. Limited IAEA – o.k. Will dated: 1/31/2006 Residence: Clovis Publication: Fresno Business Journal Petitioner states there are currently no assets in the estate. Filed concurrently with this petition is a Petition to Quiet Title and Transfer Personal Property to Estate. Petitioner believes that all her father's real property and financial accounts should be included in his estate. However, all of their father's assets are currently held in the name of Christy L. Pedron because her father added her as a joint tenant to the title of the real property and financial accounts. Probate Referee: Rick Smith Please see additional page for Contest to Petition for Probate of Will.	NEEDS/PROBLEMS/COMMENTS: Note: Petitioner is a resident of Colorado.
Cont. from 102314			
<input type="checkbox"/> Aff.Sub.Wit.	S/P		
<input checked="" type="checkbox"/> Verified			
<input type="checkbox"/> Inventory			
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input type="checkbox"/> Notice of Hrg			
<input checked="" type="checkbox"/> Aff.Mail	W/		
<input checked="" type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			
<input type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
<input checked="" type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
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<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
		Reviewed by: KT Reviewed on: 4/21/15 Updates: Recommendation: File 14A – Martinson	

Contest of Petition for Probate of Will filed on 10/17/14 by Christy Lynn Pedron. Contestant states the decedent was not married at the time of his death. He was survived by three children, the Contestant, Petitioner and a son named Ronald Paul Martinson. Contestant states that as indicated by the Petitioner's own petition, there is no property requiring administration. Contestant alleges that all the property of the decedent at the time of his death was held in a manner that passed to his successor in interest by operation of law, or was of a value that does not require administration under the provisions of the Probate Code. Petitioner also filed with the Court in conjunction with her brother, Ronald, a Quiet Title Action. Petitioner alleges that there is property that belongs to the decedent's estate in possession of Contestant. The Petitioner has raised a trier of fact issue that can be adjudicated without a personal representative being appointed. Further, if it is determined that Contestant is in possession of property requiring administration, a Petition for Probate of Will would only then be appropriate.

Contestant objects to the appointment of Petitioner as Executor of the Will because the Contestant was named in the Will as the first alternate and therefore has higher priority to be appointed Executor. Contestant has not and has never intended to renounce her right to appointment as executor. There exists good cause for Contestant's failure to file a petition for Probate of Will. Simply put, there are no assets to probate. If and when it is discovered there are assets to probate, the Contestant intends to file a Petition for Probate of Will and for Letters Testamentary. In the meantime, it is not in the best interest of the decedent's estate or the persons interested therein for the Contestant to incur the expense of another filing fee and another publication fee only to oppose a Petition of the Petitioner with an unnecessary Petition of her own.

Wherefore, Contestant prays for an Order of this Court as follows:

1. The Petition of Debra Ann Winters for Probate of Will and for Letters Testamentary be denied;
2. Petitioner not be appointed as personal representative of the decedent's estate;
3. Contestant's right to seek appointment as Executor of the Will be preserved if assets are hereinafter discovered requiring administration.

(1) Petition to Quiet Title and Require Conveyance of Real Property and (2) to Determine Title and Transfer Personal Property to Estate

DOD: 1/15/14		<p>RONALD PAUL MARTINSON and DEBRA ANN WINTERS, are petitioners.</p> <p>Petitioners state Ronald M. Martinson ("Mr. Martinson") executed his will on 1/31/2006.</p> <p>Decedent named his wife, LaVerne A. Martinson as initial beneficiary. Decedent's three children Ronald Paul Martinson ("Ronnie"), Debra Ann Winter ("Debra") and Christy Lynn Pedron ("Christy") were named as alternates.</p> <p>LaVerne A. Martinson died on 1/23/2006. Upon LaVerne's death Mr. Martinson succeeded to LaVerne's interest in the home they owned together. Mr. Martinson also had investments ("accounts") from his mother-in-law, which are estimated to have been worth between \$90,000 and \$160,000 in 2006.</p> <p>Petitioners allege that after LaVerne died Mr. Martinson's physical and mental health began to rapidly decline. On more than one occasion, Mr. Martinson got lost while venturing out on his scooter, such, Christy's husband Paul Pedron ("Paul") had to retrieve Mr. Martinson and bring him home.</p> <p>Mr. Martinson also underwent heart surgery and multiple hip surgeries, among other procedures. On at least one occasion following one of the surgeries, Mr. Martinson's son Ronnie visited but Mr. Martinson was unable to recognize or recollect his son.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
Cont. from 102314			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg	W/	
✓	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
✓	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		Please see additional page.	<p>Reviewed by: KT</p> <p>Reviewed on: 4/21/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 14B – Martinson</p>

Mr. Martinson continued to reside in his residence. Christy lived nearby and due to her close proximity, she and her husband Paul were able to assist Mr. Martinson with his personal and financial needs, as his ability to take care of himself declined.

Petitioners allege Christy and Paul developed a confidential relationship with Mr. Martinson such that he reposed trust and confidence in them up until the time of his death. Though Ronnie and his family lived across country, they maintained regular communication with Mr. Martinson, via telephone, email, chat room and periodic, in person visits.

On 12/9/2009 Mr. Martinson, executed a quitclaim deed on the residence to himself and his daughter Christy as joint tenants with right of survivorship. Petitioners believe around that time Mr. Martinson also added Christy on title to his accounts.

Later that month Debra learned of the deed and the re-titled accounts. On 12/28/2006, Debra called and spoke with her father. During that conversation, the subject of the deed and re-titled accounts came up. Mr. Martinson explained to Debra that he signed the deed in order to make the transfer of his home easier upon his death, and that he had not changed his distribution goals as reflected in his 2006 Will. Further, he explained to Debra that Christy was added to his accounts so that she could help him pay his bills, that it was not intended to alter the distribution plan set forth in his Will, and that it was not intended to be a current or future gift to Christy.

In 2011, the fact that Mr. Martinson's accounts had been changed for convenience purposes was confirmed by Ronnie as well. Mr. Martinson underwent another surgery in 2011. Christy called Ronnie and asked him to come help. Ronnie flew out to help Mr. Martinson. However, Mr. Martinson's mental condition had so declined that he was unable to recognize or recall Ronnie as his son. Notwithstanding that fact, Mr. Martinson shared with Ronnie his concern that Christy was not going to allow Mr. Martinson to return to his home after the surgery. Ronnie asked Mr. Martinson about his accounts as he believed there should be more than enough to pay for in home nursing so Mr. Martinson could remain in his home. At that time, Christy's husband Paul explained to Ronnie and Debra (who was also present) that Christy had already been added to Mr. Martinson's accounts, that they had already cancelled multiple automatic monthly charitable transfers from his accounts, and that his accounts were in "good hand."

Mr. Martinson died on 1/15/14. On 2/24/14, Christy (through her attorney) issued a "memorandum" to Debra and Ronnie in which she summarized the administration of Mr. Martinson's estate.

In the memorandum issued by Christy's attorney, he states that since Mr. Martinson's residence and bank accounts were co-titled with Christy, those passed solely to Christy, contrary to the terms of the Will. The only assets affected by the distribution provisions of the Will are the 1998 Honda Odyssey and the personal property items. Additionally the 2/24/14 memorandum stated that when Christy learned she was inheriting essentially the entire estate and that Ronnie and Debra would receive almost nothing, she "elected to increase the distributions to both Ron and Debra. . . to \$10,000 each."

Please see additional page

Based on the forgoing Petitioners allege:

1. Mr. Martinson was an elder adult, and was in a confidential relationship with Christy at the time she caused him to jointly title the residence with her and add her name to the accounts.
2. Mr. Martinson did not understand the at-death ramifications of jointly titling his residence with Christy or of adding Christy's name to his accounts.
3. Mr. Martinson did not intend for the residence or accounts to become the property of Christy as the surviving joint tenant or the other named holder of the accounts.
4. Mr. Martinson was induced to jointly title the residence with Christy and add her name to his accounts by fraud, undue influence and duress, in that Christy took advantage of the trust and confidence Mr. Martinson reposed in her, and through this advantage she substituted her own will for and supplanted that of Mr. Martinson.
5. Christy actively procured the changed titles on the residence and accounts and that Christy unduly profited from the re-titling of Mr. Martinson's residence and accounts.

Petitioners request that pursuant to Probate Code §850 and §9654 this Court determine that the title to the Residence and to the Accounts or the proceeds therefrom be vested in Petitioner, Debra as executor of Mr. Martinson's estate. Petitioners further request that the Court exercise its equitable powers to hold that Christy is a constructive trustee and holds the proceeds of such accounts in trust for the estate of Mr. Martinson.

Petitioner's pray for an Order:

1. Determining that the residence and the accounts belong to the estate of Ronald M. Martinson.
2. That title to the residence and the accounts are rightfully in Petitioner, Debra Ann Winters, as Executor of the Estate of Mr. Martinson;
3. That Christy L. Pedron is directed to convey title on the residence and the accounts to Debra Ann Winters, as executor;
4. That Christy L. Pedron is directed to render an accounting for the accounts from the time she was added to the title of the accounts;
5. For costs of suit herein.

Please see additional page

Response to Petition filed on 10/21/14 states she denies that Mr. Martinson "physical and mental health began to rapidly decline" after LaVerne's death. To the contrary, Mr. Martinson's physical and mental health remained relatively stable for his age and he lived in his own home without supervision until his death. Mr. Martinson did undergo certain medical procedures and surgeries related to his heart and femur in 2011. After the procedures, Mr. Martinson was moved into a residential rehabilitation facility and as a result was later discharged back to his home. The residential rehabilitation facility employees and social workers met with and evaluated Mr. Martinson's physical and mental health prior to his discharge from the facility in 2011. Christy believes that the facility and social workers would not have permitted Mr. Martinson to return home without supervision unless he was able to successfully demonstrate his physical and mental ability to live independently.

Christy admits that on one occasion following surgery, Mr. Martinson did not recognize Ronnie. However, Christy believed that Mr. Martinson failed to initially recognize Ronnie due to the length of time it had been since Mr. Martinson had last saw Ronnie. Mr. Martinson quickly thereafter did recognize Ronnie and even commented that to Ronnie and Debra that they only came to visit him because they thought he was going to die, or as Mr. Martinson put it, "bite the weenie." Debra and Ronnie rarely visited Mr. Martinson and typically only visited when there was a death in the family.

Christy denies that she managed or assisted in any of Mr. Martinson's personal or financial needs. To the contrary, Mr. Martinson managed his own finances until his death, including his online banking and payment of his bills. The only exception, Christy paid Mr. Martinson's bills for the period of time that he was living in the residential rehabilitation facility. Once Mr. Martinson was released from the rehabilitation facility he resumed the management of his finances.

Christy alleges that Mr. Martinson was displeased with Debra and Ronnie and did not have a good relationship with either of them leading up to his death. After executing the quitclaim deed, Mr. Martinson told Christy and her husband what he had done and told Christy that he wanted to give her the residence. Furthermore, after Mr. Martinson added Christy to as co-owner on his financial accounts, he again told her he wanted her to have all of the remaining funds contained in those accounts upon his death.

Petitioners cannot present any evidence that Mr. Martinson was lacking in capacity in 2009 when the transfer(s) occurred. Regardless of any alleged conversations Petitioner claims to have had with Mr. Martinson in 2009, Decedent's act of transferring the residence and accounts into joint tenancy with rights of survivorship dictates the ownership of those items upon his death.

Please see additional page

Response of Christy Pedron continued:

Respondent Christy Pedron makes the following Affirmative Defenses:

1. Each and every claim alleged in the Petition fails to state facts sufficient to constitute a cause of action against Respondent.
2. All claims set forth in the Petition are barred by the applicable statute of limitations, including, but not limited to, CCP §318, 319 and 338.
3. Petitioners are barred from maintaining the alleged claims by the doctrine of laches.
4. Petitioners have waived the purported claims and relief requested in the Petition.
5. By reason of knowledge, statements, and conduct of the Petitioners and that of their agents, Petitioners are barred by the doctrine of estoppel from any recovery.
6. Any alleged acts or omissions of Respondent, if any, which alleged acts or omissions are generally and specifically denied herein, were not the legal and/or proximate cause of any loss alleged or sustained by Petitioners, which loss is also generally denied by Respondent.
7. Petitioners have acted with unclean hands, which conduct has prejudiced Respondent and bars any recovery.
8. Respondent has acted reasonably, properly and in good faith in all transactions relevant hereto, and did not directly or indirectly perform any acts whatsoever which would constitute a breach of duty, if any, owed to either Mr. Martinson or to Petitioners, the existence of any such duty is expressly denied by Respondent.
9. Petitioners lack standing to assert the claims alleged in the Petition.

Respondent prays for an Order of this Court:

- A. That Petitioners take nothing by way of their Petition;
- B. For an award of attorney's fees and costs of suit herein to Respondent.

14C Ronald M. Martinson (Estate) **Case No. 14CEPR00847**
Atty Anderson, Gregory J (of Foothill Ranch, CA for Petitioners Ronald Paul Martinson &
Debra Ann Winters)
Atty Hall, Christopher (for Christy Lynn Pedron)

Status Hearing Re: Petition to Quiet Title

DOD: 1/15/14		<p>DEBRA ANN WINTERS filed a petition to probate the decedent's Will (see page 14A).</p> <p>CHRISTY LYNN PEDRON filed a contest to the petition for probate filed by Debra Ann Winters.</p> <p>RONALD PAUL MARTINSON and DEBRA ANN WINTERS then filed a Petition to Quiet Title and Require Conveyance of Real Property and to Determine Title and Transfer Personal Property to the Estate (see page 14B).</p> <p>On 2/26/15 Ronald Paul Martinson and Debra Ann Winter filed a Notice of Pendency of Action (Lis Pendens).</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need current written status report pursuant to Local Rule 7.5.</p>
Cont. from			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
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Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: KT</p> <p>Reviewed on: 4/21/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 14C - Martinson</p>	

14C

DOD: 09/23/14	<p>HEATHER AGUIRRE, daughter, was appointed as Administrator with bond set at \$352,000.00 on 12/18/14. Letters were issued on 03/23/15.</p> <p>Minute Order from hearing on 12/18/14 set this matter for a Status Hearing re Filing of the Inventory & Appraisal on 04/23/14.</p> <p>Status Report re Filing of Inventory & Appraisal filed 04/15/15 states: The Inventory & Appraisal has not been prepared or filed because the decedent's conservatorship of the estate matter is still pending. The Conservator's Second and Final Account and Report of Conservator is scheduled for hearing on 05/11/15. It is anticipated that once the Second and Final Account is approved by the Court, the remaining funds in the Conservatorship Estate will be transferred to the Administrator to be inventoried. It is requested that a further status hearing be scheduled in approximately 90 days.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Inventory & Appraisal.</p>
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		<p>Reviewed by: JF</p> <p>Reviewed on: 04/21/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 15 - MacMurray</p>

16A Gallardo Family Trust 2011

Case No. 15CEPR00080

Atty Larson, Timothy J.; Johnson, Summer; of Dowling Aaron (for Petitioner Angela J. Gallardo, Successor Co-Trustee)

Atty Thirkell, Edward D., of San Mateo (for Respondent/Objector Kenneth R. Gallardo, Co-Trustee)

Atty Thompson, Timothy L., of McCormick Barstow (by Notice of Association filed 3/25/2015, also for Respondent/Objector Kenneth R. Gallardo, Co-Trustee)

Petition to Remove Co-Trustee; Accept Co-Trustee Resignation; and Appoint Neutral Third Party Trustee

Judith DOD: 10/2/2012		ANGELA J. GALLARDO , daughter and Successor Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:	
Ray DOD: 9/10/2014				
		<p>Petitioner requests the Court order the removal of the Co-Trustee, KENNETH R. GALLARDO, son, and only thereafter accept Petitioner's resignation as Co-Trustee, and appoint a neutral third party trustee to administer the Trust, based upon the following:</p> <ul style="list-style-type: none"> On 9/12/2011, Ray and Judith Gallardo executed the GALLARDO FAMILY TRUST (copy attached as Exhibit A), and they also executed pour-over Wills (copies of wills attached as Exhibits B and C); The pour-over Wills are substantively identical and provide that upon the death of Ray and Judith, the assets of his or her respective estate were to pour over into the Trust; The Trust designated Ray and Judith as initial Co-Trustees; after Judith's death on 10/2/2012, Ray became sole Trustee; Trust provides that in the event the office of Trustee becomes vacant, Ken and Angela are to serve as Successor Co-Trustees; The main assets of the Trust consist of real property in Bass Lake; Gallardo Investment Corp. which owns among other items, commercial real property in Oakhurst; insurance proceeds; Schwab Account; Ameritrade Account; credit union accounts; bank accounts; and miscellaneous items of tangible personal property; Venue is proper in Fresno Superior Court because Fresno County is the residence of the Petitioner, one of the Co-Trustees of the Trust; <p>~Please see additional page~</p>	<p>Page 16B is Kenneth Gallardo's <i>Petition for Change of Venue, etc.</i></p> <p>1. Need proposed order pursuant to Local Rule 7.1 which provides a proposed order shall be submitted with all pleadings that request relief.</p>	
Cont. from 031615, 040815				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W/
	Aff.Pub.			
✓	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order			X
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
		Reviewed by: LEG		
		Reviewed on: 4/21/15		
		Updates:		
		Recommendation:		
		File 16A - Gallardo		

16A

Petitioner requests the Court remove Co-Trustee KENNETH R. GALLARDO for the following reasons:

- **Ken is unfit to Administer the Trust:** Ken possesses qualities inapposite to the essential qualities of a trustee, and accordingly is unfit to administer the Trust; on 2/4/2014, Ken was convicted by a San Mateo County jury of two counts of offering false evidence and one count of forgery for offering to the Court forged copies of checks made to his wife in opposition to San Mateo County Department of Child Support Service's (DCSS) request that his wages be garnished for failure to pay child support; following DCSS request to subpoena his bank records, Ken promptly paid his child support arrearages; bank records confirmed the checks Ken offered had never been cashed and endorsements were forgeries by Ken of his wife's signature; (*copy of People's Sentencing Memorandum attached as Exhibit D; Probations Officer's Report dated 4/16/2014 attached as Exhibit E shows Ken continued to be delinquent on child support at the time of sentencing*); as a consequence of Ken's perjury to the San Mateo Court and his financial issues stemming from his child support obligations, Ken is unfit to administer the Trust, lacks the appropriate fiduciary temperament and Petitioner requests his removal;
- **Hostility Amongst the Co-Trustees Impairs Administration:** Hostility has arisen between the Co-Trustees such that the administration of the Trust and management of its assets has come to a virtual standstill; Ken has taken and continues to take unilateral action with respect to many aspects of the trust administration without prior consultation with Petitioner or her attorneys; following Ray's death, Petitioner and Ken began discussions concerning collection and distribution of Trust assets; Petitioner forwarded an informal property to Ken in late September 2014 for collection and distribution; on 10/1/2014, counsel for Petitioner sent Ken a proposed "Asset Allocation Schedule" setting forth a proposed distribution of Trust assets, over which Petitioner and Ken engaged in intensive discussions for 3 months; each time Co-Trustees appeared to be in agreement, Ken would change his mind causing negotiations to begin anew (though Angela also changed her mind on certain issues but was more cooperative); Co-Trustees have been unable to work together; Attorney Johnson sent a letter dated 1/8/2015 to Ken requesting his assistance with joint collection of liquid trust assets (copy attached as Exhibit F), but Ken never returned the documents as requested.
- **Ken Continues to take Unilateral Action without Knowledge or Consent of Angela:** Ken has taken the following actions without informing Angela or seeking her consent: [*please refer to Pages 5 to 6, items (a) through (j) for description of unilateral actions involving Trust assets*]; Ken exhibits none of the qualities of a Co-Trustee as fiduciary charged with exhibiting scrupulous good faith and unwavering candor; Ken's demonstrated pattern of unilaterally taking action on behalf of the Trust exhibits his inability to fairly administer the Trust through to distribution, and taken in their totality they demonstrate there is good caught grant relief to Petitioner.
- **Petition to Accept Co-Trustee Resignation:** Petitioner brings this action to ensure the intent of her parents is realized free from deadlock, deceitful conduct and waste of trust assets, and has serious concerns that Ken will abscond with Trust assets, justifiable concerns in light of Ken's felony conviction and unilateral acts; Petitioner would like to resign as Co-Trustee if the Court orders Ken's removal as Co-Trustee, and if he is removed, Petitioner would like to resign as Co-Trustee and requests the Court accept her resignation after his removal.
- **Petition to Appoint Neutral Third Party Trustee:** Should the Court order Ken's removal and subsequently accept Petitioner's resignation, Petitioner requests the Court appoint **BRUCE D. BICKEL**, professional fiduciary, as neutral third-party successor trustee [*Consent to Act filed 2/26/2015*];
- **BRUCE D. BICKEL'S Consent to Act filed 2/26/2015**; Petitioner believes a neutral third party would be trusted by the beneficiaries and be able to obtain acceptable appraisals, and appropriately marshal and distribute assets.

~Please see additional page~

Second Additional Page 16A, Gallardo Family Trust 2011 Case No. 15CEPR00080

Petitioner requests the Court issue an Order:

1. Removing Ken as Co-Trustee of the Trust;
2. Accepting Petitioner's resignation as Co-Trustee of the Trust;
3. Appointing **BRUCE D. BICKEL** as sole successor trustee of the Trust; and
4. For costs incurred herein.

Special Appearance; Petition for Change of Venue; and Objection to Petition to Remove Co-Trustee, Accept Co-Trustee Resignation, and Appoint Neutral Third Party Trustee; and Request for Stay of Proceedings filed by KENNETH R. GALLARDO, Co-Trustee, on 3/2/2015 states *[only in relation to the Objection to Petition to Remove Co-Trustee, Accept Co-Trustee Resignation, and Appoint Neutral Third Party Trustee, which should have been a separately filed pleading distinct from the Petition for Change of Venue and Request for Stay of Proceedings]:*

- Kenneth R. Gallardo (Respondent), as Successor Co-Trustee, **specially appears** *[emphasis in original]* before this Court in order to object to Angela Gallardo's *Petition to Remove Co-Trustee, Accept Co-Trustee Resignation, and Appoint Neutral Third Party Trustee* on the basis that Petitioner improperly filed her petition in Fresno County since venue is proper in San Mateo County where the Trust is actually being administered;
- Respondent was contacted by Petitioner's attorney, Timothy Larson, on 9/18/2014 informing him that he know of Respondent's felony convictions and that he could have Respondent removed as Co-Trustee, and attempted to persuade Respondent to reach a settlement agreement on the distribution of assets; Respondent stated he was willing to work on negotiating a settlement;
- Attached as Exhibit D is a set of copies of emails sent between Respondent and Petitioner's attorneys, which show Petitioner's attorneys communicated with Respondent in his role a co-trustee during the period before he retained counsel; after Respondent retained counsel, the cooperation of Petitioner's attorneys ceased and they filed their petition for removal;
- Respondent's attorney sent a letter to Petitioner's attorney on 1/21/2015 *(copy attached as Exhibit E)* describing the events since the passing of the settlors including the trust administration done by Kenneth, and stating his preference for mediation as possible resolution; without responding to the letter, Petitioner's attorneys filed their petition for removal;
- Mr. Larson claims to represent Petitioner in her role as co-trustee, though all of his efforts on Petitioner's behalf concern her share of the estate and thus he has represented her in her role as beneficiary;
- Petitioner and Mr. Larson have thus far not participated in any Trust administration, which to date has been accomplished by Respondent.

Declaration of Kenneth Gallardo in Support of Special Appearance attached as Exhibit C reiterates points in the objection, and states that at no time did Petitioner's attorney Timothy Larson tell him that the co-trustees had certain obligations in administering his parents' Trust; Mr. Larson never mentioned the need to open a trust bank account for the co-trustee to use in paying bills and depositing funds received; the only subject matter of all communications with Mr. Larson was the distribution of trust assets between his sister and him; Mr. Larson's tone in all of their conversations has been hostile; he has provided Mr. Larson with various records concerning trust assets; since his father's death on 9/10/2014, he has performed *[trust administration acts set forth on Page 3 and 4 of Declaration]*; he has been wholly responsible for the basic trust administration; Petitioner and her attorneys have been working on the case for nearly 6 months, but it was not until he retained counsel in January 2015 that a 120-day notice, a certificate of trust, and an affidavit of death of trustee were prepared.

Atty Larson, Timothy J.; Johnson, Summer; of Dowling Aaron (for Petitioner Angela J. Gallardo, Successor Co-Trustee)

Atty Thirkell, Edward D., of San Mateo (for Respondent/Objector Kenneth R. Gallardo, Co-Trustee)

Atty Thompson, Timothy L., of McCormick Barstow (by Notice of Association filed 3/25/2015, also for Respondent/Objector Kenneth R. Gallardo, Co-Trustee)

Special Appearance; Petition for Change of Venue; and Objection to Petition to Remove Co-Trustee, Accept Co-Trustee Resignation, and Appoint Neutral Third Party Trustee; and Request for Stay of Proceedings

Judith DOD: 10/2/2012	KENNETH R. GALLARDO, Co-Trustee, is Respondent.		NEEDS/PROBLEMS/COMMENTS:
Ray DOD: 9/10/2014			
Cont. from 042315			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail	W/		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Respondent states:

- He **specially appears** *[emphasis in original]* before this Court in order to object to Petitioner **ANGELA GALLARDO'S** *Petition to Remove Co-Trustee, etc.*, on the basis that Petitioner improperly filed her petition in Fresno County, since venue is proper in San Mateo County where the Trust is actually being administered;
- Respondent petitions the Court for a change of venue and requests a stay of the proceedings;
- **Venue is Improper in Fresno County:** Respondent objects to the petition on the grounds that venue is improper in Fresno because venue is proper in San Mateo County where Ray and Judith Gallardo's estate administration has taken place since September 2014;
- In her petition in the section entitled "Venue" *[paragraph 9]*, Petitioner states that she is a resident of Clovis and that venue is proper in Fresno County because the County of Fresno is the residence of one of the Co-Trustees of the Trust, citing Probate Code § 17002(b)(2);
- Under Probate Code § 17005, venue is proper in the county where the principal place of administration of the trust is located; Probate Code § 17002(a) states that the principal place of administration of the trust is the usual place where the day-to-day activity of the trust is carried on by the trustee or its representative who is primarily responsible for the administration of the trust;

~Please see additional page~

Reviewed by: LEG
Reviewed on: 4/21/15
Updates:
Recommendation:
File 16B - Gallardo

Respondent states, continued:

- Probate Code § 17002(b) states that if the principal place of administration of the trust cannot be determined under 17002(a), the principal place of administration of the trust is the residence or usual place of business of any of the co-trustees;
- Here, the principal place of administration of the Trust is San Mateo County because the day-to-day activities of the Trust have been carried out there by Kenneth Gallardo, the trustee who has solely been responsible for the administration of the Trust;
- Fresno County is wholly unrelated to the day-to-day administration of the Trust; neither Ray nor Judith Gallardo, the Settlers, lived in Fresno County at the time of their deaths, or ever, nor is there any real property of the Trust located in Fresno County;
- The only connection that the Trust has to Fresno County is that one beneficiary and co-trustee has residence there;
- However, Petitioner has not engaged in any trust administration and no trust administration has taken place in Fresno County;
- Instead, Petitioner's actions in relation to the Trust have all been as a beneficiary, forcing Respondent to administer the Trust by himself;
- Therefore, the correct venue for this action is San Mateo County (*attached as Exhibit F are copies of bank records and documents showing trust administration occurring in San Mateo County by Respondent*);
- **Trust Administration to Date:** Respondent, Kenneth Gallardo, has since his father's death on 9/10/2014, performed [see pages 5 to 7 listing 19 administration acts completed; see also trust administration acts set forth on Page 3 and 4 of Declaration of Kenneth Gallardo]; he has been wholly responsible for the basic trust administration to date;
- Petitioner and her attorneys have been working on the case for nearly 6 months, but it was not until Respondent retained counsel in January 2015, nearly 5 months after the death of Ray, that a 16061.7, 120-day notice, certificate of trust, and affidavit of death of trustee were prepared;
- Petitioner, Angela Gallardo, has consistently thwarted and delayed any efforts to administer the Trust; instead, Petitioner and her attorneys' entire focus has been on negotiating a favorable settlement agreement for Petitioner;
- Even after settlement negotiations broke down, Petitioner's focus is still not on the administration of the Trust, but is to make good on the threats made to Respondent regarding his removal as Co-Trustee;
- Respondent has been serving as Trustee for nearly 6 months and while Petitioner made clear that they knew of Respondent's legal troubles and their ability to seek removal as trustee, they have not acted on it until now;
- In the interim, they have depended on Respondent for the entirety of the Trust administration to date; for Petitioner to initiate settlement talks while hanging the threat of removal over Respondent's head, then petition for removal when Respondent retains counsel, after allowing Respondent to administer the Trust entirely by himself for months, indicates a disregard for the estate's assets, which cannot afford this costly litigation;
- **Stay of Proceedings:** Generally, the filing of a motion for change of venue operates as a *supersedeas* or stay of proceedings, and the Court cannot rule on other substantive issues while the motion for change of venue is pending; Respondent asks that the Court stay the proceedings in this case and refuse to rule on any substantive issues while this motion for change of venue is pending.

~Please see additional page~

Respondent prays for an Order:

1. Finding Fresno County an improper venue for these proceedings;
2. Transferring the proceedings to the Superior Court of San Mateo County;
3. Staying proceedings in the matter while this change of venue petition is pending.

DOD: 12/13/13	TOSHI SAKAI , surviving spouse, filed an Ex Parte Petition for Special Administration on 02/23/15.	NEEDS/PROBLEMS/COMMENTS:
Cont. from	On 02/24/15, the Court set the Ex Parte Petition for a hearing on 03/12/15.	As of 04/21/15, no Petition for Probate has been filed.
Aff.Sub.Wit.	03/12/15 matter was continued to 03/19/15.	
Verified		1. Need Petition for Probate.
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: JF
Status Rpt		Reviewed on: 04/21/15
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 17 - Sakai

Attorney Denning, Stephen M. (for Petitioner Randy L. Ghan)

Petition for Order Confirming Trust Assets (Probate Code § 850)

DOD: 12/2/2014		RANDY L. GHAN , Successor Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:	
		<p>Petitioner states:</p> <ul style="list-style-type: none"> Petitioner is the [Successor] Trustee of the SHARON L. HODSON TRUST OF 2013 dated 1/18/2013, executed by the Settlor Sharon L. Hodson as both settlor and Trustee (<i>copy of trust attached as Exhibit A</i>); Trust terms provide that the property described in Exhibit A marked "Initial Trust Property" is held in the trust (<i>copy attached to the Trust</i>); In addition, the Settlor executed a document titled <i>General Assignment</i> which specifically states that the Settlor assigns to the trustee or co-trustee of the Trust assets including cash, stocks, mutual funds, stock in corporation, all tangible personal property, and investment trust accounts (<i>copy of assignment attached as Exhibit B</i>); However, the Settlor failed to formally transfer title to or possession of the property to the Trust prior to her death; Petitioner requests that this Court confirm that the items of property listed in the Assignment are assets subject to the Trust pursuant to the express terms of the Trust and the Assignment; Probate Code § 850 authorizes Petitioner as successor trustee to seek an order that the items listed on a trust schedule, title to which was not formally transferred, are nevertheless trust assets (<i>see also Heggstad [citations omitted].</i>) <p>Petitioner prays for an Order finding that the property described in the General Assignment are (a) assets of the Trust and (b) subject to the management and control of Petitioner as successor trustee of the Trust, pursuant to the Trust and the Assignment.</p>	<p>Note Re related matter: <i>Estate of Sharon L. Hodson</i> (15CEPR00306), <i>Petition for Probate</i>, is set for hearing on 5/7/2015.</p>	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			W/
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
		Reviewed by: LEG Reviewed on: 4/21/15 Updates: Recommendation: File 18 - Hodson		

Petitioner Lao, Jeanette Galleto (Pro Per, daughter)

Petition for Letters of Administration (Prob. C. 8002)

DOD: 12/30/1998	JEANETTE GALLETO LAO , daughter, is Petitioner and requests appointment as Administrator [<i>bond not addressed.</i>]		NEEDS/PROBLEMS/COMMENTS: Page 20 is the related Estate of Josefina DeManuel Galleto, Case 15CEPR00255. Note: <i>Petition</i> requests neither full nor limited <i>Independent Administration of Estates Act (IAEA)</i> authority. <i>Declaration of Publication</i> has not yet been filed to assist in confirming whether Petitioner in fact does not seek the grant of any IAEA authority. Probate Code §§ 9610 et seq., and §§ 9650 et seq., require court supervision of specific administrative transactions and actions taken where no IAEA authority has been granted. Pursuant to Probate Code § 10401, judicial orders, authorization, approval, confirmation or instructions are required for many actions during administration, which might otherwise be accomplished without Court authorization for a personal representative with full or limited IAEA authority. Petitioner would need to file an amended petition if Petitioner decides to seek full or limited IAEA authority for greater ease of estate administration. 1. Need <i>Affidavit of Publication</i> pursuant to Probate Code §§ 8120 – 8124, and Local Rule 7.9. ~Please see additional page~
Cont. from	Full IAEA — Need publication		
<input type="checkbox"/> Aff.Sub.Wit.			
✓ Verified	Decedent died intestate.		
Inventory			
PTC			
Not.Cred.	Residence — Fresno		
Notice of Hrg	X	Publication — Need	
Aff.Mail	X	Estimated value of the Estate: Personal property - \$ 500.00 Real property - \$130,000.00 <hr/> Total - \$130,500.00	
Aff.Pub.	X		
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
✓ Letters	Probate Referee: Steven Diebert*		
✓ Duties/Supp	*Steven Diebert may be appointed for case No. 15CEPR00254 and also for 15CEPR00255 for consistency and convenience.		
Objections			
Video Receipt			
CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

NEEDS/PROBLEMS/COMMENTS, continued:

2. **Need Notice of Petition to Administer Estate** and proof of mailed notice pursuant to Probate Code § 8110 for the following person:
 - **DOMINADOR PeMANUEL GALLETO, son.**
3. Item 2(d) is incomplete re: bond. Bond is required in the sum of **\$130,500.00** pursuant to Probate Code § 8480 et seq. Need bond to be posted and proof of bond filed with the Court, or waivers of bond from all beneficiaries of the estate pursuant to Probate Code § 8481(a)(1).
4. Item 3(e) of the *Petition* is incomplete re: whether Decedent was intestate or testate, and if testate, a copy of Decedent's Will must be attached to the *Petition*.
5. Item 5(a)(2)(b) of the *Petition* states Decedent's spouse is deceased. Item 8 of the *Petition* does not include the name and date of death of deceased spouse pursuant to Local Rule 7.1.1 (D).
6. **Item 5(a) of the Petition is incomplete as to (3) or (4) re: registered domestic partner, and as to (7) or (8) re: issue of a predeceased child.**

Petitioner Lao, Jeanette Galleto (Pro Per, daughter)

Petition for Letters of Administration (Prob. C. 8002)

DOD: 12/30/1998	JEANETTE GALLETO LAO , daughter, is Petitioner and requests appointment as Administrator [<i>bond not addressed.</i>]		NEEDS/PROBLEMS/COMMENTS: Page 19 is the related Estate of Ignacio Tehano Galleto, Case 15CEPR00254. Note: <i>Petition</i> requests neither full nor limited <i>Independent Administration</i> of Estates Act (IAEA) authority. <i>Declaration of Publication</i> has not yet been filed to assist in confirming whether Petitioner in fact does not seek the grant of any IAEA authority. Probate Code §§ 9610 et seq., and §§ 9650 et seq., require court supervision of specific administrative transactions and actions taken where no IAEA authority has been granted. Pursuant to Probate Code § 10401, judicial orders, authorization, approval, confirmation or instructions are required for many actions during administration, which might otherwise be accomplished without Court authorization for a personal representative with full or limited IAEA authority. Petitioner would need to file an amended petition if Petitioner decides to seek full or limited IAEA authority for greater ease of estate administration. 7. Need Affidavit of Publication pursuant to Probate Code §§ 8120 – 8124, and Local Rule 7.9. ~Please see additional page~
Cont. from	Full IAEA — Need publication		
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified	Decedent died intestate.		
<input type="checkbox"/> Inventory			
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.	Residence — Fresno		
<input type="checkbox"/> Notice of Hrg	<input checked="" type="checkbox"/>	Publication — Need	
<input type="checkbox"/> Aff.Mail	<input checked="" type="checkbox"/>		
<input type="checkbox"/> Aff.Pub.	<input checked="" type="checkbox"/>		
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			
<input type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp	Probate Referee: Steven Diebert*		
<input type="checkbox"/> Objections	*Steven Diebert may be appointed for case No. 15CEPR00254 and also for 15CEPR00255 for consistency and convenience.		
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			

NEEDS/PROBLEMS/COMMENTS, continued:

8. **Need Notice of Petition to Administer Estate** and proof of mailed notice pursuant to Probate Code § 8110 for the following person:
 - **DOMINADOR PeMANUEL GALLETO, son.**
9. Item 2(d) is incomplete re: bond. Bond is required in the sum of **\$130,500.00** pursuant to Probate Code § 8480 et seq. Need bond to be posted and proof of bond filed with the Court, or waivers of bond from all beneficiaries of the estate pursuant to Probate Code § 8481(a)(1).
10. Item 3(e) of the *Petition* is incomplete re: whether Decedent was intestate or testate, and if testate, a copy of Decedent's Will must be attached to the *Petition*.
11. Item 5(a)(2)(b) of the *Petition* states Decedent's spouse is deceased. Item 8 of the *Petition* does not include the name and date of death of deceased spouse pursuant to Local Rule 7.1.1 (D).

Petition for Appointment of Guardian of the Estate (Prob. C. 1510)

Age: 5		<u>NO TEMPORARY REQUESTED</u>		NEEDS/PROBLEMS/COMMENTS:	
		DILILA AGANZA , mother, is Petitioner.		<p>1. Petitioner is requesting the court grant powers under Probate Code § 2590, which powers are outlined in § 2591; however, pursuant to Local Rule 7.15.2 - it is the policy of the court to grant a guardian or conservator only those independent powers necessary in each case to administer the estate. A request for all powers described in Probate Code § 2591 will not be granted by the court. Each independent power requested must be justified by, and narrowly tailored to the specific circumstances of that case. Petitioner does not specify which powers she is requesting.</p> <p>2. Petitioner is requesting appointment without bond; however pursuant to CRC 7.207, except as otherwise provided by statute, every conservator or guardian of the estate appointed after 12/31/07, must furnish a bond including a reasonable amount for the cost of recovery to collect the bond under Probate Code 2320(c)(4)). Based on the estimated assets of the estate as stated in the Petition, bond should be set at \$100,980.00. Note: It has been the policy of this Court that funds belonging to a minor are placed in a blocked account. If funds are in a blocked account, bond is typically not required.</p> <p>3. Need Order and Letters. If funds are ordered to be placed in a blocked account need Order to Deposit Money Into Blocked Account.</p> <p>Note: If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Thursday, 06/04/15 at 9:00a.m. in Dept. 303 for Receipt of Funds Deposited into Blocked Account; • Thursday, 08/27/15 at 9:00a.m. in Dept. 303 the filing of the inventory and appraisal <u>and</u> • Thursday, 06/23/16 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter, the status hearing will come off calendar and no appearance will be required.</p>	
		Father: FRANCISCO GONZALEZ – deceased			
Cont. from		Paternal grandfather: FRANCISCO GONZALEZ – <i>served by mail on 03/17/15</i>			
	Aff.Sub.Wit.	Paternal grandmother: VIRGINA FLORES aka VIRGINIA DE CARDENAS GONZALEZ – <i>served by mail on 03/17/15</i>			
✓	Verified	Maternal grandfather: MANUEL AGANZA – <i>served by mail on 03/17/15</i>			
	Inventory	Maternal grandmother: DORENA ANDERSON – deceased			
	PTC	Sibling: JOCELYN HILL			
	Not.Cred.	Petitioner states that the minor is the beneficiary on various accounts of his deceased father. Guardianship of the Estate is necessary so that Petitioner can communicate with the companies holding the accounts and access the funds for the minor's benefit. Petitioner requests appointment with Probate Code § 2590 powers to independently administer the estate and without bond.			
✓	Notice of Hrg				
✓	Aff.Mail	w/			
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.				
✓	Conf. Screen				
	Letters	x			
✓	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report				
	9202				
	Order	x			
	Aff. Posting				
	Status Rpt				
	UCCJEA				
	Citation				
	FTB Notice				
		<u>Estimated Value of the Estate:</u> Personal property- \$90,000.00 Annual income - 1,800.00 Total - \$91,800.00			
				Reviewed by: JF	
				Reviewed on: 04/21/15	
				Updates:	
				Recommendation:	
				File 21 - Gonzalez	

Spousal Property Petition or Domestic Partner Property Petition (Prob. C. 13650)

23 Michael Ibarra (GUARD/P)**Case No. 15CEPR00378****Atty Gomez, Christina Rose (Pro Per – Petitioner – Sister)****Petition - Appoint Temporary Guardian**

Age: 2 months		<u>Please see petition for details</u>	NEEDS/PROBLEMS/COMMENTS:	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			n/a
<input type="checkbox"/>	Aff.Mail			n/a
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			n/a
<input checked="" type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input checked="" type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
Reviewed by: LV				
Reviewed on: 04/21/2015				
Updates:				
Recommendation:				
File 23 - Ibarra				

23

Petition - Appoint Temporary Guardian

24

25 Morgan Elizabeth Pasley (CONS/PE) Case No. 12CEPR00938

Attorney

Erlach, Mara M.

Accounting Second Amended Account Current and Report of Conservator; Petition of
Conservator Petition for its Settlement, for Allowance of Attorneys Compensation and for its Termination

Age:		NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR</u> Continued to 06/02/15 per request of Counsel	
DOD:			
Cont. from			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
Reviewed by: JF			
Reviewed on: 04/21/15			
Updates:			
Recommendation:			
File 25 – Pasley			

25

Attorney Brown, Eric R., of Carmichael (for Petitioner Lee X. Yang, Administrator)

1) First and Final Report of Adminisitrator on Waiver of Account and Petition for Settlement Thereof; (2) for Allowance of Agreed Attorney's Compensation; (3) for Reimbursement of Costs Advanced; and for (4) Final Distribution

DOD: 1/16/2014		LEE X. YANG , nephew and Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Accounting is waived.	<p align="center">CONTINUED TO 07/21/2015</p> <p align="center">Per Attorney request</p> <p>1. <i>Final Inventory and Appraisal</i> filed on 11/12/2014 is incomplete at Item 5 re: property tax certificate, as required by Probate Code § 8800(d). Need statement regarding Property Tax Certificate. (Revenue and Tax Code § 480.)</p> <p>2. <i>Petition</i> does not contain a statement regarding whether notice has been sent to the Franchise Tax Board as required pursuant to Probate Code 9202(c)(1) for estates in which <i>Letters</i> were issued 7/1/2008 or after, and Court records contain no proof of service of such notice. Need proof of service of notice to the Franchise Tax Board pursuant to Probate Code 9202(c)(1).</p>
Cont. from		I & A — \$319,500.00	
<input type="checkbox"/>	Aff.Sub.Wit.	POH — \$319,500.00 (no cash)	
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory	Administrator — waives	
<input type="checkbox"/>	PTC	X	
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Attorney — \$5,000.00 (less than \$9,390.00 statutory; to be paid outside probate;)	
<input checked="" type="checkbox"/>	Aff.Mail	W/	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters	072314	
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice	X	
<p>Distribution pursuant to intestate succession and Disclaimers filed 3/9/2015 is to:</p> <ul style="list-style-type: none"> CHA YANG LEE – 100% interest in real property in County of Yuba, CA. 			<p>Reviewed by: LEG</p> <p>Reviewed on: 4/22/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 26 - Lee</p>

Age: 62	DIANA CHOOLJIAN WOLFE, is petitioner.	NEEDS/PROBLEMS/COMMENTS: Note: This matter to be heard at 8:30am in Dept. 72.
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
✓ Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed on: 04/21/2015
		Updates:
		Recommendation:
		File 1A - Wolfe

Petition for Temporary Conservator of Estate

Age: 62		Please see petition for details	NEEDS/PROBLEMS/COMMENTS: Note: This matter to be heard at 8:30am in Dept. 72. Court Investigator Advised Rights on 04/15/2015. 1. #1c (1) – (4) was not completed regarding bond or blocked account. Probate Code §2320 states except as otherwise provided by statute, every person appointed as conservator shall, before letters are issued, give a bond approved by the court. Probate Code §2321 states Notwithstanding any other provision of the law, the court in a conservatorship proceeding may not waive the filing of a bond or reduce the amount of bond required without a good cause determination by the court that the conservatee will not suffer harm as a result of the waiver or reduction of the bond. If the court requires bond it should be set at \$70,241.60. 2. Need Notice of Hearing. 3. Need proof of service five (5) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Temporary Conservator on the following: <ul style="list-style-type: none"> • Madeline Chooljian • Patrick Kelly Wolfe • Jennifer Leigh Wolfe • Sandra Barr • Michael Chooljian Note: An Ex Parte Application for Good Cause Exception to Notice of Hearing on Petition for Appointment of Temporary Conservator of the Estate was filed and denied by Judge Alan Simpson on 04/14/2015. 4. Need Letters.	
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			x
	Aff.Mail			x
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			n/a
✓	Conf. Screen			
	Letters			x
✓	Duties/Supp			
	Objections			
	Video Receipt			x
✓	CI Report			
	9202			
	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation	n/a		
	FTB Notice			
Reviewed by: LV				
Reviewed on: 04/21/2015				
Updates:				
Recommendation:				
File 1B - Wolfe				

1 Richard Boghosian Trust 7-29-2004

Case No. 14CEPR00905

Atty Farley, Michael L. (for Penny Aaronian – Successor Trustee)

Atty Acuna, Frank R. (for Bruce Bickel – former trustee)

Probate Status Hearing for the Filing of the bond

		PENNY AARONIAN , wife of cousin of Richard Boghosian, was appointed as Successor Trustee with bond set at \$325,000.00 on 01/07/15.	NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR</u> Bond filed 04/08/15
Cont. from 031115, 040815		Notice of Status Hearing set this matter for a Status Hearing re Filing of the Bond. Clerk's Certificate of Mailing states that a copy of the Notice of Status Hearing setting this hearing was mailed to Michael Farley on 01/07/15.	
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: JF	
		Reviewed on: 04/15/15	
		Updates:	
		Recommendation:	
		File 1 - Boghosian	